

Due Process As It Relates To Permits--Refusals, Suspensions, and Revocations

Due process specifics for refusal, suspension, or revocation

The CAC must provide “notice and an opportunity to be heard” or “due process” when refusing, suspending, or revoking a permit. The following activities are required to ensure due process:

If	Then,
the person’s permit is to be refused, suspended, or revoked (and it is not possible to correct the permit application),	that person shall be given a written notice of proposed action (NOPA), including the basis for the action, and have the right to request a hearing before the CAC within <u>ten</u> days of receiving the NOPA to refuse, revoke, or suspend. In the case of an “immediate suspension,” the CAC shall inform the permittee, in writing, of the suspension as soon as practical, specifying the reasons for the immediate suspension.
a hearing is requested,	the notice of the time and place of the hearing shall be given at least ten days prior to the hearing date. The person will be given the opportunity to present any evidence or argument on his/her own behalf.
a hearing is not requested,	the CAC may take the proposed action without a hearing.
the person’s permit is refused, suspended, or revoked, and he/she had requested and appeared at the hearing,	he/she may appeal the CAC’s decision to the Director within ten days of mailing or personal service of the CAC’s decision.